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dtd 3/12/10Attorney Docket Number: FSP0445
Application Number: 10/706,421

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**AMENDMENT AND REMARKS UNDER 37 C.F.R. 1.116****FOR***QDule*

3/11/10

Attorney Docket Number: FSP0445

Client Reference Number: 8130

Title: Method and system for provisioning specification subsets for standards-based communication network devices

Application Number: 10/706,421

Filing Date: November 12, 2003

First Named Inventor: Carter, Wade E.

Group Art Unit: 2151

Summary of Office Action

In an Office Action mailed on 12/2/2009, claims 13-18 are rejected under 35 U.S.C. 101 because claim 13 would allegedly be interpreted by one of ordinary skill as a system of software *per se* (software means only and not embedded in a computer readable storage medium), failing to fall within a statutory category of invention. Claims 14-18 are also rejected under 35 U.S.C. 101 because claims 14-18 are directly depend on its independent claim 13. Claims 1-18 and 26-27 are rejected under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 2-12, 14-18, and 26-27 are also rejected under 35 U.S.C. 112, first paragraph, because claims 2-12, 14-18, and 26-27 are directly depend on its independent claims 1 and 13.

In an Advisory Action mailed on March 8, 2010, the Examiner finds the Applicant's arguments as to the insufficiency of these rejections unpersuasive.